

## Criminal Notice of Appeal - Form A

## NOTICE OF APPEAL

United States District Court  
Southern District of New York

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
 DATE FILED: 23 MAR 2011

Caption:

United States v.Sergey AleynikovDocket No.: 10 Cr. 0096Hon. Denise L. Cote

(District Court Judge)

Notice is hereby given that Sergey Aleynikov appeals to the United States Court of  
 Appeals for the Second Circuit from the judgment ☒ other ☐  
 entered in this action on March 18, 2011 (specify)  
 (date)

This appeal concerns: Conviction only ☐ Sentence only ☐ Conviction & Sentence ☒ Other ☐

Defendant found guilty by plea ☐ trial ☒ N/A ☐

Offense occurred after November 1, 1987? Yes ☒ No ☐ N/A ☐

Date of sentence: March 18, 2011 N/A ☐

Bail/Jail Disposition: Committed ☒ Not committed ☐ N/A ☐

Appellant is represented by counsel? Yes ☒ No ☐ If yes, provide the following information:

Defendant's Counsel: Kevin H. Marino

Counsel's Address: 437 Southern Boulevard  
Chatham, NJ 07928

Counsel's Phone: (973) 824-9300

Assistant U.S. Attorney: Joseph P. Facciponti

AUSA's Address: One Saint Andrew's Plaza  
New York, NY 10007

AUSA's Phone: (212) 637-2522

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	x	
UNITED STATES OF AMERICA,	:	10 CR. 0096 (DLC)
	:	
v.	:	
	:	
	:	<b><u>CERTIFICATION OF SERVICE</u></b>
SERGEY ALEJNIKOV,	:	
	:	
Defendant.	:	
-----	x	

I, JOHN D. TORTORELLA, of full age, hereby certify as follows:

1. I am an attorney at law admitted to practice before this Court and a member of the law firm of Marino, Tortorella & Boyle, P.C., attorneys for Defendant Sergey Aleynikov.

2. On March 23, 2011, I caused to be filed via hand delivery with the Clerk of the Court, Room 370, United States District Court, Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007-1312, the original and four (4) copies of the following documents: (a) the Notice of Appeal of Defendant Sergey Aleynikov; and (b) this Certification of Service. I also caused to be served on the Clerk of the Court the original Criminal Appeal Transcript Information – Form B.

3. On March 23, 2011, I caused copies of each of the documents described in paragraph 2 to be served via hand delivery on Joseph P. Facciponti, A.U.S.A., United States Attorney's Office, One Saint Andrew's Plaza, New York, New York 10007.

4. On March 23, 2011, I caused two courtesy copies of each of the documents described in paragraph 2 above to be served via hand delivery on the Honorable Denise L. Cote, U.S.D.J., United States District Court, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, Courtroom 11B, New York, New York 10007-1312.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

MARINO, TORTORELLA & BOYLE, P.C

By:



JOHN D. TORTORELLA  
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*Attorneys for Defendant Sergey Aleynikov*

Dated: March 23, 2011

CLOSED, APPEAL, ECF, INTAPP, PRIOR

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:10-cr-00096-DLC All Defendants**

Case title: USA v. Aleynikov  
Magistrate judge case number: 1:09-mj-01553-UA

Date Filed: 02/11/2010  
Date Terminated: 03/23/2011

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Assigned to: Judge Denise L. Cote

**Defendant (1)**

**Sergey Aleynikov**  
*TERMINATED: 03/23/2011*

represented by **Kevin H. Marino**  
Marino Tortorella, P.C.  
437 Southern Boulevard  
Chatham, NJ 07928-1488  
(973) 824-9300  
Fax: 973 824-8425  
Email: [kmarino@khmarino.com](mailto:kmarino@khmarino.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**John David Tortorella**  
Marino Tortorella, P.C.  
437 Southern Boulevard  
Chatham, NJ 07928-1488  
973 824-9300  
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**ATTORNEY TO BE NOTICED**

**Sabrina P. Shroff**  
Federal Defenders of New York Inc. (NYC)  
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10th Floor  
New York, NY 10007  
(212) 417-8713  
Fax: (212) 571-0392  
Email: [sabrina\\_shroff@fd.org](mailto:sabrina_shroff@fd.org)  
**TERMINATED: 05/05/2010**  
*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

18:1832.F THEFT OF TRADE  
SECRETS  
(1)

18:2314.F SCHEME TO DEFRAUD:  
MONEY, STATE TAX STAMPS  
(TRANSPORTATION OF STOLEN  
PROPERTY IN FOREIGN  
COMMERCE)  
(2)

18:1030A.F FRAUD ACTIVITY  
CONNECTED WITH COMPUTERS  
(UNAUTHORIZED COMPUTER

**Disposition**

Imprisonment: 97 Months; Supervised Release: 3  
Years.

Imprisonment: 97 Months; Supervised Release: 3  
Years.

Dismissed

ACCESS)  
(3)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1832:THEFT OF TRADE  
SECRETS;, 18:2314:SCHEME TO  
DEFRAUD:MONEY,STATE TAX  
STAMPS; 18:2:AIDING AND  
ABETTING.

**Disposition**

**Interested Party**

Goldman, Sachs & Co.

**Plaintiff**

USA

represented by **Joseph Paul Facciponti**  
United States Attorney Office, SDNY  
One Saint Andrew's Plaza  
New York, NY 10007  
(212)–637–2522  
Fax: (212)–637–2527  
Email: [joseph.facciponti@usdoj.gov](mailto:joseph.facciponti@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Rebecca Anne Rohr**  
U.S. Attorney's Office, SDNY (St Andw's)  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/03/2009		Arrest of Sergey Aleynikov. (gq) [1:09–mj–01553–UA] (Entered: 07/06/2009)
07/04/2009	1	COMPLAINT as to Sergey Aleynikov (1) in violation of 18 U.S.C. 1832(a)(2), 2314, &2. (Signed by Magistrate Judge Kevin Nathaniel Fox) (gq) [1:09–mj–01553–UA] (Entered: 07/06/2009)
07/04/2009	2	CJA 23 Financial Affidavit by Sergey Aleynikov. Not approved for appointment of counsel. (Signed by Judge Magistrate Judge Kevin Nathaniel Fox) (gq) [1:09–mj–01553–UA] (Entered: 07/06/2009)
07/04/2009		Minute Entry for proceedings held before Magistrate Judge Kevin Nathaniel Fox:Initial Appearance as to Sergey Aleynikov held on 7/4/2009. Deft appears with

		Federal Defender atty Sabrina Shroff – Limited to Presentment on 7/4/09. \$750,000 PRB. 3 FRP. \$75,000 cash or property. Travel restricted to SDNY, EDNY, District of New Jersey. Surrender travel documents (&no new applications). Regular pretrial supervision. Deft shall not access the computer data that is the subject of this criminal action. The Pretrial Services Office shall be permitted, to the extent possible, to monitor the deft's use of computer's or other electronic devices at his home or place of business to ensure that the deft does not access the data that is the subject in this criminal action. All bail conditions must be satisfied prior to the deft's release. ( Preliminary Examination set for 8/3/2009 at 10:00 AM before Judge Unassigned.) (gq) [1:09–mj–01553–UA] (Entered: 07/06/2009)
07/06/2009	3	PRB APPEARANCE Bond Entered as to Sergey Aleynikov in amount of \$750,000. Co–signed by 3 financially responsible person's. \$75,000 cash or property, Receipt # M19–1–12801.Travel restricted to SDNY, EDNY, District of New Jersey. Surrender travel documents (&no new applications). Regular pretrial supervision. Deft shall not access the computer data that is the subject of this criminal action. The PTS Office shall be permitted, to the extent possible, to monitor the deft's use of computer's or other electronic devices at his home or place of business to ensure that the deft does not access the data that is the subject of this criminal action. All bail conditions must be satisfied prior to the deft's release. (gq)[1:09–mj–01553–UA] (Entered: 07/06/2009)
07/06/2009	4	ADVICE OF PENALTIES AND SANCTIONS as to Sergey Aleynikov. (gq) [1:09–mj–01553–UA] (Entered: 07/06/2009)
08/03/2009	5	AFFIRMATION of Joseph P. Facciponti in Support by USA requesting a 14–day continuance from 8/3/09 to 8/17/09 as to Sergey Aleynikov (aba) [1:09–mj–01553–UA] (Entered: 08/03/2009)
08/03/2009	6	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Sergey Aleynikov. Time excluded from 8/3/09 until 8/17/09. (aba) [1:09–mj–01553–UA] (Entered: 08/03/2009)
08/05/2009	8	ENDORSED LETTER as to Sergey Aleynikov addressed to Hon. Kevin Nathaniel Fox from Federal Defender atty Sabrina Shroff dated 8/5/2009 re: who writes that deft is unable to afford retained counsel and the concomitant costs/expenses of retained counsel, and therefore requests that the Court continue her representation of deft. (Signed by Magistrate Judge Kevin Nathaniel Fox on 8/5/2009)(gq) [1:09–mj–01553–UA] (Entered: 08/06/2009)
08/06/2009	7	NOTICE OF ATTORNEY APPEARANCE: Sabrina P. Shroff appearing for Sergey Aleynikov. (Shroff, Sabrina) [1:09–mj–01553–UA] (Entered: 08/06/2009)
08/06/2009	9	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Sergey Aleynikov. Sabrina P. Shroff for Sergey Aleynikov appointed. The deft shall pay the full cost of the legal services rendered by FDNYI. His payments shall be made to the Clerk of Court, at the rate of \$300 monthly, commencing August 2009. These payments must be tendered to the Clerk of Court not later than the last day of each month. Within 30 days of ceasing to provide legal services to the deft, FDNYI shall present to the Clerk of Court a statement detailing the full cost of providing legal services to the deft. This will enable the Clerk of Court to recoup that amount from the deft, with credit for all monthly payments made previously by the deft. A judicial officer of the court may, at any time, alter the payment schedule noted above. (Signed by Magistrate Judge Kevin Nathaniel Fox on 8/6/2009)(gq) [1:09–mj–01553–UA] (Entered: 08/06/2009)
08/10/2009		Minute Entry for proceedings held before Judge Paul A. Crotty: Oral Argument as to Sergey Aleynikov held on 8/10/2009. REMARK: Defendant Sergey Aleynikov not present, but his attorney AFD Sabrina Shroff present. AUSA Thomas Brown present. Matthew Friedrich, Jonathan Schiller and Joshua Schiller from the firm of Bois, Schiller & Flexer, LLP, whom represent Goldman Sachs & Co present. Court Reporter Martha Drevis present. Goldman Sachs & Co motion to quash the subpoena was denied in open court. See transcript for complete details of this proceeding. (Court Reporter Martha Drevis) (mov) [1:09–mj–01553–UA] (Entered: 08/10/2009)

08/17/2009	10	AFFIRMATION of Joseph P. Facciponti in Support by USA requesting a 30-day continuance from 8/17/09 to 9/16/09 as to Sergey Aleynikov (aba) [1:09-mj-01553-UA] (Entered: 08/18/2009)
08/17/2009		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Sergey Aleynikov re: 6 Order to Continue – Interest of Justice. Time excluded from 8/17/09 until 9/16/09. Follows oral order of 8/17/09. (Signed by Magistrate Judge James C. Francis on 8/17/09)(aba) [1:09-mj-01553-UA] (Entered: 08/18/2009)
08/27/2009	12	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on 8/10/09 at 4:05pm before Judge Paul A. Crotty. (laq) [1:09-mj-01553-UA] (Entered: 09/03/2009)
09/01/2009	11	ENDORSED LETTER as to Sergey Aleynikov addressed to USMJ Dolinger from Sabrina Shroff, Esq dated 9/1/2009 re: USA v Sergey Aleynikov, 09 Mag 1553. Ms. Shroff is Respectfully requesting a Modification on Mr. aleynikov's Bail Conditions to Allow the Deft to Travel to Carmel, New York between the dates of September 4, 2009 to September 7, 2009 to spend the Holiday Weekend with Friends and Family Members. Application Granted, So Ordered. (Signed by Magistrate Judge Michael H. Dolinger on 9/1/2009)(dif) [1:09-mj-01553-UA] (Entered: 09/01/2009)
09/16/2009	13	AFFIRMATION of Joseph P. Facciponti in Support by USA requesting a 30-day continuance from 9/16/09 to 10/16/09 as to Sergey Aleynikov (aba) [1:09-mj-01553-UA] (Entered: 09/17/2009)
09/16/2009	0	ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Sergey Aleynikov re: 6 Order to Continue – Interest of Justice. Time excluded from 9/16/09 until 10/16/09. Follows oral order of 9/16/09. (Signed by Magistrate Judge Henry B. Pitman on 9/16/09)(aba) Modified on 9/17/2009 (aba). [1:09-mj-01553-UA] (Entered: 09/17/2009)
10/16/2009	14	AFFIRMATION of Joseph P. Facciponti in Support by USA requesting a 30-day continuance from 10/16/09 to 11/16/09 as to Sergey Aleynikov (aba) [1:09-mj-01553-UA] (Entered: 10/19/2009)
10/16/2009		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Sergey Aleynikov re: 6 Order to Continue – Interest of Justice. Time excluded from 10/16/09 until 11/16/09. Follows oral order of 10/16/09. (Signed by Magistrate Judge Douglas F. Eaton on 10/16/09)(aba) [1:09-mj-01553-UA] (Entered: 10/19/2009)
11/16/2009	15	AFFIRMATION of AUSA Joseph P. Facciponti in Support by USA of an extension of the Order of continuance from 11/16/09 to 12/16/09, as to Sergey Aleynikov. (gq) [1:09-mj-01553-UA] (Entered: 11/17/2009)
11/16/2009		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Sergey Aleynikov re: 6 Order to Continue – Interest of Justice. Time excluded from 11/16/2009 until 12/16/2009. Follows oral order of 11/16/2009. DP in U.S. Attorney. (Signed by Magistrate Judge Michael H. Dolinger on 11/16/2009)(gq) [1:09-mj-01553-UA] (Entered: 11/17/2009)
12/16/2009	16	AFFIRMATION of Joseph P. Facciponti in Support by USA requesting a 30-day continuance from 12/16/09 to 1/15/10 as to Sergey Aleynikov (aba) [1:09-mj-01553-UA] (Entered: 12/17/2009)
12/16/2009		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Sergey Aleynikov re: 6 Order to Continue – Interest of Justice. Time excluded from 12/16/09 until 1/15/10. Follows oral order of 12/16/09.. (Signed by Magistrate Judge James C. Francis on 12/16/09)(aba) [1:09-mj-01553-UA] (Entered: 12/17/2009)
01/15/2010	17	AFFIRMATION of Joseph P. Facciponti in Support by USA requesting a 30-day continuance from 1/15/10 to 2/16/10 as to Sergey Aleynikov (aba) [1:09-mj-01553-UA] (Entered: 01/15/2010)
01/15/2010		ORDER TO CONTINUE IN THE INTEREST OF JUSTICE as to Sergey Aleynikov re: 6 Order to Continue – Interest of Justice. Time excluded from 1/15/10 until 2/16/10. Follows oral order of 1/15/10.. (Signed by Magistrate Judge



		Frank Maas on 1/15/10)(aba) [1:09-mj-01553-UA] (Entered: 01/15/2010)
02/11/2010	<u>18</u>	INDICTMENT FILED as to Sergey Aleynikov (1) count(s) 1, 2, 3. (jm) (Entered: 02/16/2010)
02/11/2010		Case Designated ECF as to Sergey Aleynikov. (jm) (Entered: 02/16/2010)
02/17/2010		Minute Entry for proceedings held before Judge Denise L. Cote:Arraignment as to Sergey Aleynikov (1) Count 1,2,3 held on 2/17/2010. Defendant present w/atty. Sabrina Shroff. Assistant U.S. Attorneys Joseph Facciponti and Rebecca Rohr present. FBI Special Agent Michael McSwain present.Court reporter Guido Tascione present. Defendant pleads not guilty as charged in 10 Cr. 96. Government to complete all discovery by April 20, 2010. Any defense motion shall be due July 16, 2010. Govts opposition due July 23, 2010. Trial date set for November 29, 2010. Time excluded from 2/17/10 until 11/29/10 pursuant to 18 USC § 3161 (h)(7)(A). Bail continued. (jw) (Entered: 02/19/2010)
02/17/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Plea entered by Sergey Aleynikov (1) Count 1,2,3 Not Guilty. (jw) (Entered: 02/19/2010)
02/17/2010		Minute Entry for proceedings held before Judge Denise L. Cote:Pretrial Conference as to Sergey Aleynikov held on 2/17/2010, as to Sergey Aleynikov( Discovery due by 4/20/2010., Motions due by 7/16/2010, Government Responses due by 7/23/2010) (jw) (Entered: 02/19/2010)
03/01/2010	19	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on February 17, 2010 before Judge Denise L. Cote. (dj) (Entered: 03/03/2010)
03/18/2010	<u>20</u>	ENDORSED LETTER as to Sergey Aleynikov addressed to Judge Cote from Attorney Sabrina P. Shroff dated March 18, 2010 re: I write to supplement my earlier letter to the Court regarding Mr. Aleynikov's travel. The government's consent to our request was based on our office providing them (both AUSA Rohr and USPTSO Khilkevich) with proof that Mr. Aleynikov's stepfather had been deathly ill with cancer and was in a hospice care facility, and proof of his demise. The government consented to only a short period of travel and asked Mr. Aleynikov to provide proof of a round-trip ticket. That documentation was provided to AUSA Rohr yesterday. Finally, the government asked Mr. Aleynikov to surrender his wife and children's passports prior to travel. His youngest daughter does not have a passport, as she is only one and a half years old. Mr. Aleynikov has complied with this condition by providing the passports to my office. I will provide them to AUSA Rohr by 4:00 p.m. today. ENDORSEMENT: So Ordered. (Signed by Judge Denise L. Cote on 3/18/2010)(bw) (Entered: 03/18/2010)
03/22/2010	<u>21</u>	PROBATION FORM PS 8 PETITION as to Sergey Aleynikov. Petitioning the Court: action on conditions of pretrial release (dft's bail be modified to eliminate the condition of computer monitoring by Pretrial Services. All other conditions shall remain in effect). The Court Orders: considered and ordered 22nd day of March 2010 and ordered filed and made a part of the records in the above case. (Signed by Judge Denise L. Cote on 3/22/2010)(ja) (Entered: 03/23/2010)
03/31/2010	24	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on February 17, 2010 11:30 a.m. before Judge Denise L. Cote. (ajc) (Entered: 04/05/2010)
04/02/2010	<u>22</u>	ORDER as to Sergey Aleynikov. On July 15, 2009, the Government obtained, under seal, a Letter Rogatory to the Federal Republic of Germany from the Honorable Richard J. Holwell, United States District Judge for the Southern District of New York, Part I, in connection with the Government's investigation in this matter. With the consent of the defendant, the Government respectfully requests that the Court unseal the Letter Rogatory so that the Government may disclose it to the defendant in this matter. Accordingly, it is hereby ORDERED that the Letter Rogatory to the Federal Republic of Germany, dated July 16, 2009, be unsealed. SO ORDERED. (Signed by Judge Denise L. Cote on 4/1/2010)(ja) (Entered: 04/02/2010)
04/02/2010	<u>23</u>	ORDER: As to Sergey Aleynikov. For the reasons set forth in this Order, it is hereby ORDERED that this matter is referred to Magistrate Judge Kevin Fox for determination as to whether the defendant qualifies for appointed counsel, and/or



		whether his payment schedule should be modified. (Signed by Judge Denise L. Cote on 4/2/2010)(dnd) (Entered: 04/02/2010)
04/06/2010	<u>25</u>	ORDER: As to Sergey Aleynikov. IT IS HEREBY ORDERED, on or before April 12, 2010, the defendant shall submit, to the Court, an updated financial affidavit; thereafter, on April 14, 2010, at 10:00 a.m., in courtroom 20A, 500 Pearl Street, New York, New York, the defendant shall appear for a hearing on his continued eligibility for appointed counsel. SO ORDERED. (Signed by Magistrate Judge Kevin Nathaniel Fox on 4/5/2010)(dnd) (Entered: 04/06/2010)
04/09/2010	<u>26</u>	ENDORSED LETTER as to Sergey Aleynikov, addressed to Judge Fox, from Sabrina P. Shroff, atty for dft, dated 4/9/2010, re:....request that the Court consider ordering the funds contributed by Mr. Aleynikov be paid directly to the Fed'l Defenders of New York of New York pursuant to 18 U.S.C. Sec. 300A(f) so that those funds may be used to defray the costs of expert fees incurred in the defense of this case.... -- Judge endorsed: The instant request is beyond the scope of the reference issued by the assigned district judge on April 2, 2010. Therefore, the Court is constrained to deny the application. However, inasmuch as 18 U.S.C. Sec. 3006A(f) allows the assigned district judge to grant the dft the relief he seeks, the dft is free to present his request to that judicial officer. SO ORDERED. (Signed by Magistrate Judge Kevin Nathaniel Fox on 4/9/2010)(ja) (Entered: 04/12/2010)
04/14/2010		Minute Entry for proceedings held before Magistrate Judge Kevin Nathaniel Fox: Attorney Appointment Hearing as to Sergey Aleynikov held on 4/14/2010. Based on the submission made, and the evidence provided via testimony and proffer, the Court determined the defendant remains qualified for court-appointed counsel and should continue to make payments to the Clerk of Court, for legal services, as ordered on 8/5/2009. (bw); Modified on 5/4/2010 (bw). (Entered: 04/19/2010)
04/20/2010	<u>27</u>	ENDORSED LETTER: As to Sergey Aleynikov addressed to Judge Denise L. Cote from Sabrina P. Shroff dated 4/16/2010. re: I write on behalf of Sergey Aleynikov to respectfully request that the Court extend Mr. Aleynikov's travel restrictions to include Pennsylvania, Connecticut, and the entire state of New York. His travel is currently restricted to the Southern and Eastern Districts of New York and the District of New Jersey. ENDORSEMENT: SO ORDERED. (Signed by Judge Denise L. Cote on 4/20/2010)(dnd) (Entered: 04/20/2010)
05/04/2010	<u>28</u>	NOTICE OF ATTORNEY APPEARANCE: Kevin H. Marino appearing for Sergey Aleynikov. (Marino, Kevin) (Entered: 05/04/2010)
05/04/2010	<u>29</u>	PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... As to Sergey Aleynikov. (Signed by Judge Denise L. Cote on 5/4/2010)(dnd) (Entered: 05/04/2010)
05/05/2010	<u>30</u>	ORDER as to Sergey Aleynikov. For the reasons set forth on the record on May 4, 2010, this Court relieved the Federal Defender's Office as counsel for the defendant and accepted the appearances of in-coming counsel, Kevin Marino and John Tortorella. On May 4, 2010, retained counsel, Kevin Marino, filed his notice of appearance. Accordingly, it is hereby ORDERED that the Clerk of Court shall terminate the appearances of the Federal Defender's Office by Sabrina Shroff and Robert Buam. (Signed by Judge Denise L. Cote on 5/5/10)(bw) (Entered: 05/05/2010)
05/05/2010		Attorney update in case as to Sergey Aleynikov. Attorney Sabrina P. Shroff terminated. (bw) (Entered: 05/05/2010)
06/02/2010	31	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on 5/4/2010 before Judge Denise L. Cote. (jfe) (Entered: 06/03/2010)
06/17/2010	<u>33</u>	ENDORSED LETTER as to Sergey Aleynikov addressed to Judge Denise L. Cote from Attorney Kevin H. Marino dated June 16, 2010 re: We write to respectfully request that your Honor schedule a conference among counsel for the Government, Goldman Sachs and Mr. Aleynikov to resolve a pressing discovery dispute that has arisen among us. ENDORSEMENT: Denied for failure to comply with Rule 17(c), Fed. R. Civ. P. (Signed by Judge Denise L. Cote on 6/16/2010)(bw) (Entered: 06/17/2010)

06/21/2010	<u>34</u>	MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company. Document filed by Sergey Aleynikov. (Marino, Kevin) (Entered: 06/21/2010)
06/21/2010	<u>35</u>	MEMORANDUM in Support by Sergey Aleynikov re <u>34</u> MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company.. (Marino, Kevin) (Entered: 06/21/2010)
06/21/2010	<u>36</u>	DECLARATION of Kevin H. Marino in Support as to Sergey Aleynikov re: <u>34</u> MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company.. (Marino, Kevin) (Entered: 06/21/2010)
06/21/2010	<u>37</u>	DECLARATION of Kevin H. Marino (Local Rule 16.1 Declaration) in Support as to Sergey Aleynikov re: <u>34</u> MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company.. (Marino, Kevin) (Entered: 06/21/2010)
06/21/2010	<u>38</u>	DECLARATION of John A. Boyle (Certification of Service) in Support as to Sergey Aleynikov re: <u>34</u> MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company.. (Marino, Kevin) (Entered: 06/21/2010)
06/23/2010	<u>39</u>	RESPONSE TO ORDER TO SHOW CAUSE by USA as to Sergey Aleynikov. (Rohr, Rebecca) (Entered: 06/23/2010)
06/24/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference as to Sergey Aleynikov held on 6/24/2010. Defendant present w/attys. Kevin Marino, John Tortorella and John Boyle. Assistant U.S. Attorney Rebecca Rohr present. FBI Special Agent Michael McSwain present. Attorneys Matthew Friedrich and Harlan Levy present for non-party Goldman Sachs & Co. Court reporter Andrew Walker present. Conference held to address defendants Order to Show Cause application. Next conference scheduled for June 29, 2010 at 9:30 a.m. Bail continued. (ajc) (Entered: 06/28/2010)
06/24/2010		As to Sergey Aleynikov; Status Conference set for 6/29/2010 at 09:30 AM before Judge Denise L. Cote. (ajc) (Entered: 06/28/2010)
06/28/2010	<u>40</u>	RESPONSE by USA as to Sergey Aleynikov <i>Re: Defendant's Revised Subpoena</i> . (Rohr, Rebecca) (Entered: 06/28/2010)
06/29/2010	<u>41</u>	PROTECTIVE ORDER as to Sergey Aleynikov...regarding procedures to be followed that shall govern the handling of confidential material...: <u>34</u> MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company, filed by Sergey Aleynikov. IT IS HEREBY ORDERED: 1. Copies of certain documents which Goldman Sachs intends to produce to Aleynikov are deemed "Confidential Information." To designate material covered by this Order, Goldman Sachs shall so designate such material, on the material itself, in an accompanying cover letter, or on a disc cover, by using the following designation: "Confidential Information – Subject to Protective Order." 2. Confidential Information disclosed to defense counsel pursuant to this Order: (a) Shall be used only in connection with proceedings in United States v. Sergey Aleynikov, 10 CR. 96 (DLC); (b) Shall be kept in the sole possession of Aleynikov's attorney and shall not be disclosed in any form by Aleynikov's attorney except as set forth in Paragraph 2(c) below; (c) May be disclosed by Aleynikov's attorney only to the following persons ("Designated Persons"), provided that such Designated Persons agree to comply with all of the terms of this Order: (i) Sergey Aleynikov; (ii) investigative, secretarial, clerical, and paralegal personnel employed full-time or part-time by Aleynikov's attorney; and (iii) independent expert witnesses, investigators, or advisors retained by Aleynikov's attorney in connection with this action; (d) Shall be returned to Goldman Sachs following the conclusion of this case, and any and all copies made of said material shall be shredded and destroyed; (e) Shall not be reviewed by Aleynikov except in the presence of his attorney or another Designated Person identified in Paragraphs 2(c)(ii) or 2(c)(iii), and at no time shall Aleynikov be given custody of the Confidential Information or any copies thereof; and (f) Shall not be transmitted between and among Aleynikov's attorney and Designated Persons over the Internet



07/27/2010	<u>56</u>	Letter as to Sergey Aleynikov addressed to Judge Denise L. Cote from Kevin H. Marino dated 6/25/2010 re: Counsel writes to provide the Court with two courtesy copies of defendant Sergey Aleynikov's revisions to the subpoena previously served upon Goldman Sachs. (Received by Docketing on 8/24/2010.) (ab) (Entered: 08/24/2010)
07/27/2010	<u>57</u>	Letter by Goldman, Sachs & Co. as to Sergey Aleynikov addressed to Judge Denise L. Cote from Matthew W. Friedrich dated 6/28/2010 re: Counsel writes to provide notice of the responses and objections of Goldman, Sachs & Co. to the requests for the production of certain documents, electronically stored information and materials. (ab) (Entered: 08/24/2010)
07/30/2010	<u>49</u>	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on June 29, 2010 9:30 a.m. before Judge Denise L. Cote. (bw) (Entered: 07/30/2010)
07/30/2010	<u>50</u>	RESPONSE to Motion by USA as to Sergey Aleynikov re: <u>45</u> MOTION to Dismiss <i>the Indictment</i> .. (Attachments: # <u>1</u> Exhibit A)(Facciponti, Joseph) (Entered: 07/30/2010)
08/06/2010	<u>51</u>	REPLY MEMORANDUM OF LAW in Support as to Sergey Aleynikov re: <u>45</u> MOTION to Dismiss <i>the Indictment</i> .. (Marino, Kevin) (Entered: 08/06/2010)
08/11/2010	<u>52</u>	ENDORSED LETTER as to Sergey Aleynikov addressed to Judge Denise L. Cote from AUSAs Joseph P. Facciponti, Rebecca A. Rohr dated August 11, 2010 re: The Government requests leave to file a short sur-reply to the defendant's reply brief in support of his motion to dismiss the above-referenced Indictment. If leave is granted, the Government would submit the sur-reply brief no later than Friday, August 13, 2010. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 8/11/2010)(bw) (Entered: 08/11/2010)
08/13/2010	<u>53</u>	REPLY MEMORANDUM OF LAW in Opposition by USA as to Sergey Aleynikov re: <u>45</u> MOTION to Dismiss <i>the Indictment</i> .. (Facciponti, Joseph) (Entered: 08/13/2010)
09/03/2010	<u>58</u>	OPINION & ORDER #99387 as to Sergey Aleynikov re: <u>45</u> MOTION to Dismiss the Indictment, filed by Sergey Aleynikov. For the reasons set forth on this Opinion, the motion is denied with respect to Counts 1 and 2 and granted with respect to Count 3. Count 3 of the Indictment is dismissed. SO ORDERED. (Signed by Judge Denise L. Cote on 9/3/2010)(ab) Modified on 9/7/2010 (ajc). (Entered: 09/03/2010)
09/03/2010		DISMISSAL OF COUNTS on Court or Defendant Motion as to Sergey Aleynikov (1) Count 3. (ab) (Entered: 09/09/2010)
09/07/2010	<u>59</u>	ORDER as to Sergey Aleynikov: It is ORDERED that any 404(b) motions and motion in limine shall be filed by 10/22/2010; opposition shall be filed by 11/5/2010; and the reply shall be served by 11/9/2010. Counsel shall provide 2 courtesy copies to the Court. It is further ORDERED that any written Voir Dire requests, Requests to Charge or Trial Memorandum, shall be filed by noon on 11/17/2010. 2 courtesy copies shall be delivered to Chambers on the same day. It is further ORDERED that the final pretrial conference is scheduled for 11/19/2010 at 02:00 PM in Courtroom 11B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. The Court's Individual Rules of Trial Practice in Criminal Cases are enclosed. (Signed by Judge Denise L. Cote on 9/7/2010)(ab) (Entered: 09/07/2010)
10/20/2010	<u>60</u>	MOTION to Seal Document <i>with Respect to Motions in Limine</i> . Document filed by USA as to Sergey Aleynikov. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Facciponti, Joseph) (Entered: 10/20/2010)
10/20/2010	<u>61</u>	RESPONSE to Motion by Sergey Aleynikov re: <u>60</u> MOTION to Seal Document <i>with Respect to Motions in Limine</i> .. (Tortorella, John) (Entered: 10/20/2010)
10/22/2010	<u>62</u>	ORDER: As to Sergey Aleynikov re: <u>60</u> MOTION to Seal Document with Respect to Motions in Limine filed by USA. Having reviewed the Government's October 20, 2010 motion to seal certain material and the defendant's response, received on October 22, it is hereby ORDERED that the parties shall serve on October 22, but not file, their motions in limine, and consult with each other over the weekend as to



		whether any materials or passages in those motion papers should be filed under seal. IT IS FURTHER ORDERED that the parties shall submit their requests for sealing, and disagreements about any such requests, to the Court in submissions provided to the Court's Chambers on October 25. The October 25 submissions shall include an original, which the Court shall file in the public record to the extent it finds that such public filing would be appropriate, and two courtesy copies for the Court of both (1) the motions in limine and (2) the applications regarding sealing. (Signed by Judge Denise L. Cote on 10/22/2010)(dnd) (Entered: 10/22/2010)
10/22/2010	<u>63</u>	ORDER: As to Sergey Aleynikov. IT IS HEREBY ORDERED that time of the November 19, 2010 final pretrial conference is rescheduled from 2 p.m. to 2:30 p.m. (Signed by Judge Denise L. Cote on 10/22/2010)(dnd) (Entered: 10/22/2010)
10/25/2010	<u>64</u>	ORDER as to Sergey Aleynikov: Having reviewed the Government's 10/25/2010 motion to redact from the public record portions of four exhibits to the defendant's 10/25/2010 motions in limine, it is hereby ORDERED that the Government's motion to redact is granted. The defendant shall redact Exhibits 6, 8, 14 and 16 as requested by the Government. The Court shall file unredacted copies of these four exhibits under seal. IT IS FURTHER ORDERED that the parties shall otherwise file their respective motions in limine in the public record. (Signed by Judge Denise L. Cote on 10/25/2010)(ab) (Entered: 10/25/2010)
10/25/2010		Transmission to Sealed Records Clerk: as to Sergey Aleynikov. Transmitted re: <u>64</u> Order, to the Sealed Records Clerk for the sealing or unsealing of document or case. (ab) (Entered: 10/25/2010)
10/25/2010	<u>65</u>	MOTION in Limine <i>and Pretrial Motions</i> . Document filed by Sergey Aleynikov. (Marino, Kevin) (Entered: 10/25/2010)
10/25/2010	<u>66</u>	DECLARATION of Kevin H. Marino in Support as to Sergey Aleynikov re: <u>65</u> MOTION in Limine <i>and Pretrial Motions</i> .. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6 (Redacted), # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8 (Redacted), # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14 (Redacted), # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16 (Redacted))(Marino, Kevin) (Entered: 10/25/2010)
10/25/2010	<u>67</u>	MEMORANDUM OF LAW in Support by Sergey Aleynikov re: <u>65</u> MOTION in Limine <i>and Pretrial Motions</i> . filed by Sergey Aleynikov. (Marino, Kevin) (Entered: 10/25/2010)
10/25/2010	<u>68</u>	DECLARATION of L. Cr. R. 16.1 Compliance by Kevin H. Marino in Support as to Sergey Aleynikov re: <u>65</u> MOTION in Limine <i>and Pretrial Motions</i> .. (Marino, Kevin) (Entered: 10/25/2010)
10/25/2010	<u>69</u>	MOTION in Limine. Document filed by USA as to Sergey Aleynikov. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Facciponti, Joseph) (Entered: 10/25/2010)
10/27/2010	70	SEALED DOCUMENT placed in vault. (cb) (Entered: 10/28/2010)
10/27/2010	71	Letter by defendant Sergey Aleynikov addressed to Ms. Gloria Rojas, Courtroom Deputy to the Honorable Denise L. Cote, from Attorney John D. Tortorella, dated October 26, 2010 re: As you requested, enclosed for filing under seal are unredacted copies of Exhibits 6, 8, 14 and 16 to the Declaration of Kevin H. Marino in support of Defendant Sergey Aleynikov's Omnibus Pretrial Motions. [*** Received by Judge Cote's Chambers on 10/27/2010 ***] (bw) (Entered: 10/28/2010)
11/06/2010	<u>72</u>	MEMORANDUM in Opposition by Sergey Aleynikov re <u>69</u> MOTION in Limine.. (Marino, Kevin) (Entered: 11/06/2010)
11/06/2010	<u>73</u>	DECLARATION of Kevin H. Marino in Opposition as to Sergey Aleynikov re: <u>69</u> MOTION in Limine.. (Marino, Kevin) (Entered: 11/06/2010)
11/06/2010	<u>74</u>	RESPONSE in Opposition by USA as to Sergey Aleynikov re <u>65</u> MOTION in Limine <i>and Pretrial Motions</i> .. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Facciponti, Joseph) (Entered: 11/06/2010)

11/10/2010	<u>75</u>	REPLY MEMORANDUM OF LAW in Support as to Sergey Aleynikov re: <u>65</u> MOTION in Limine <i>and Pretrial Motions</i> .. (Marino, Kevin) (Entered: 11/10/2010)
11/10/2010	<u>76</u>	REPLY MEMORANDUM OF LAW in Support by USA as to Sergey Aleynikov re: <u>69</u> MOTION in Limine.. (Facciponti, Joseph) (Entered: 11/10/2010)
11/17/2010	<u>77</u>	PROPOSED EXAMINATION OF JURORS by USA as to Sergey Aleynikov. (Rohr, Rebecca) (Entered: 11/17/2010)
11/17/2010	<u>78</u>	Request To Charge by USA as to Sergey Aleynikov. (Rohr, Rebecca) (Entered: 11/17/2010)
11/17/2010	<u>79</u>	Request To Charge by Sergey Aleynikov. (Marino, Kevin) (Entered: 11/17/2010)
11/17/2010	<u>80</u>	Proposed Voir Dire Questions by Sergey Aleynikov. (Marino, Kevin) (Entered: 11/17/2010)
11/18/2010	<u>81</u>	NOTICE of of Errata as to Sergey Aleynikov re: <u>69</u> MOTION in Limine.. (Rohr, Rebecca) (Entered: 11/18/2010)
11/19/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Pretrial Conference as to Sergey Aleynikov held on 11/19/2010. Defendant present with attorneys Kevin Marino, John Tortorella and John Boyle. Assistant U.S. Attorneys Rebecca Rohr and Joseph Facciponti present. FBI Special Agent Michael McSwain present. Court reporter Rebecca Forman present. Final Pretrial Conference held. Conference to continue at 10 a.m. on November 24. Bail continued. (ajc) (Entered: 11/22/2010)
11/19/2010		As to Sergey Aleynikov; Pretrial Conference set for 11/24/2010 at 10:00 AM before Judge Denise L. Cote. (ajc) (Entered: 11/22/2010)
11/22/2010	<u>82</u>	MOTION in Limine <i>to admit statements of the Government under F.R.E. 801(d)(2)(B) and (D)</i> . Document filed by Sergey Aleynikov. Return Date set for 11/24/2010 at 10:00 AM. (Marino, Kevin) (Entered: 11/22/2010)
11/22/2010	<u>83</u>	DECLARATION of Kevin H. Marino in Support as to Sergey Aleynikov re: <u>82</u> MOTION in Limine <i>to admit statements of the Government under F.R.E. 801(d)(2)(B) and (D)</i> .. (Marino, Kevin) (Entered: 11/22/2010)
11/22/2010	<u>84</u>	MEMORANDUM in Support by Sergey Aleynikov re <u>82</u> MOTION in Limine <i>to admit statements of the Government under F.R.E. 801(d)(2)(B) and (D)</i> .. (Marino, Kevin) (Entered: 11/22/2010)
11/23/2010	<u>85</u>	RESPONSE in Opposition by USA as to Sergey Aleynikov re <u>82</u> MOTION in Limine <i>to admit statements of the Government under F.R.E. 801(d)(2)(B) and (D)</i> .. <i>and motion to preclude cross-examination of law enforcement witnesses</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Facciponti, Joseph) (Entered: 11/23/2010)
11/23/2010	<u>86</u>	REPLY MEMORANDUM OF LAW in Support as to Sergey Aleynikov re: <u>82</u> MOTION in Limine <i>to admit statements of the Government under F.R.E. 801(d)(2)(B) and (D)</i> .. (Marino, Kevin) (Entered: 11/23/2010)
11/23/2010	87	Letter addressed to Judge Denise L. Cote from Michael G. Cameron dated 11/19/2010. The legal department of News America Incorporated acts as in house legal counsel for NYP holdings Inc., publisher of the New York Post newspaper (the "Post"). On behalf of the Post, we respectfully request that the court rejects any application by the government to seal the court at any stage during the trial of Sergey Aleynikov. (dnd) (Entered: 11/24/2010)
11/24/2010	<u>88</u>	MOTION to Preclude <i>Expert Testimony of Benjamin Van Vliet and Spencer Lynch</i> . Document filed by Sergey Aleynikov. Return Date set for 11/24/2010 at 10:00 AM. (Tortorella, John) (Entered: 11/24/2010)
11/24/2010	<u>89</u>	MEMORANDUM in Support by Sergey Aleynikov re <u>88</u> MOTION to Preclude <i>Expert Testimony of Benjamin Van Vliet and Spencer Lynch</i> .. (Tortorella, John) (Entered: 11/24/2010)

11/24/2010	<u>90</u>	DECLARATION of Kevin H. Marino in Support as to Sergey Aleynikov re: <u>88</u> MOTION to Preclude <i>Expert Testimony of Benjamin Van Vliet and Spencer Lynch.</i> (Tortorella, John) (Entered: 11/24/2010)
11/24/2010	<u>91</u>	MEMORANDUM in Opposition by USA as to Sergey Aleynikov re <u>88</u> MOTION to Preclude <i>Expert Testimony of Benjamin Van Vliet and Spencer Lynch.</i> (Rohr, Rebecca) (Entered: 11/24/2010)
11/24/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Pretrial Conference as to Sergey Aleynikov held on 11/24/2010. Defendant present with attorneys Kevin Marino, John Tortorella and John Boyle. Assistant U.S. Attorneys Rebecca Rohr and Joseph Facciponti present. FBI Special Agents Michael McSwain and Kyle Barton present. Court reporter Rebecca Forman present. FPTC continued. Bail continued. (ab) (Entered: 11/30/2010)
11/29/2010	<u>92</u>	Request To Charge by USA as to Sergey Aleynikov. (Rohr, Rebecca) (Entered: 11/29/2010)
11/29/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Voir Dire begun on 11/29/2010 Sergey Aleynikov (1) on Count 1,2,3. Defendant present w/attorneys Kevin Marino, John Tortorella and John Boyle. Assistant U.S. Attorneys Rebecca Rohr and Joseph Facciponti present w/paralegal David Felton. FBI Special Agent Michael McSwain present. Court reporters Karen Gorlaski and Eve Giniger present. Trial begun. Jury selection begun and concluded. Jurors impanelled and sworn. (bw) (Entered: 12/02/2010)
11/29/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Selection as to Sergey Aleynikov held on 11/29/2010. (bw) (Entered: 12/02/2010)
11/29/2010		Jury Impaneled as to Sergey Aleynikov. (bw) (Entered: 12/02/2010)
11/29/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 11/29/2010. (bw) (Entered: 12/02/2010)
11/30/2010	<u>93</u>	Request To Charge by Sergey Aleynikov. (Tortorella, John) (Entered: 11/30/2010)
11/30/2010	<u>94</u>	MOTION in Limine <i>re certain statements</i> . Document filed by USA as to Sergey Aleynikov. (Rohr, Rebecca) (Entered: 11/30/2010)
11/30/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 11/30/2010. Trial continued. Openings by Government and defense counsel held. Government puts on its case. (bw) (Entered: 12/02/2010)
12/01/2010	95	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on 11/24/2010 before Judge Denise L. Cote. (dnd) (Entered: 12/01/2010)
12/01/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 12/1/2010 (jw) (Entered: 12/07/2010)
12/02/2010	96	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on November 19, 2010 at 2:45 p.m. before Judge Denise L. Cote. (js) (Entered: 12/02/2010)
12/02/2010	97	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on November 15, 2010 at 5:05 p.m. before Judge Denise L. Cote. (js) (Entered: 12/02/2010)
12/02/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 12/2/2010 (jw) (Entered: 12/07/2010)
12/03/2010	98	SEALED DOCUMENT placed in vault. (cb) (Entered: 12/03/2010)
12/06/2010	<u>99</u>	MOTION in Limine. Document filed by USA as to Sergey Aleynikov. (Attachments: # <u>1</u> Exhibit A)(Facciponti, Joseph) (Entered: 12/06/2010)
12/06/2010	<u>100</u>	Request To Charge by USA as to Sergey Aleynikov. (Rohr, Rebecca) (Entered: 12/06/2010)
12/06/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 12/6/2010. Trial continued. (dnd) (Entered: 12/08/2010)



12/07/2010	<u>101</u>	REVISED ORDER as to Sergey Aleynikov: It is hereby ORDERED that the following sections of the trial transcript for 12/2/2010 are sealed: Page 624, lines 3–15; Page 720, lines 16–25; Page 721, lines 1–10; Page 722, lines 5–8; Page 723, lines 9–11; Page 726, lines 16–25; Page 727, lines 5–7; and Page 747, lines 1–6. SO ORDERED. (Signed by Judge Denise L. Cote on 12/7/2010)(ab) (Entered: 12/07/2010)
12/07/2010		Transmission to Sealed Records Clerk: as to Sergey Aleynikov. Transmitted re: <u>101</u> Revised Order, to the Sealed Records Clerk for the sealing or unsealing of document or case. (ab) (Entered: 12/07/2010)
12/07/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 12/7/2010. Trial continued. (dnd) (Entered: 12/08/2010)
12/08/2010	102	SEALED DOCUMENT placed in vault. (nm) (Entered: 12/08/2010)
12/08/2010	103	SEALED DOCUMENT placed in vault. (nm) (Entered: 12/08/2010)
12/08/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 12/8/2010. Trial continued. Government rests. Defendant puts on his case. Defendant rests. (bw) (Entered: 12/13/2010)
12/09/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 12/9/2010. Trial continued. Charging conference held. Summations by counsel for the Government and counsel for the defendant held. Court charges jury. Jury begin deliberations. (bw) (Entered: 12/13/2010)
12/10/2010	<u>104</u>	ENDORSED LETTER as to Sergey Aleynikov addressed to Judge Denise L. Cote from Joseph P. Facciponti dated 12/10/2010 re: The Government writes to request an extension of time to submit its proposal for portions of trial testimony that can be unsealed from the sealed transcripts, and the exhibits that the Government requests be sealed, to Monday morning at 10:00 AM. ENDORSED: Granted. (Signed by Judge Denise L. Cote on 12/10/2010)(ab) (Entered: 12/10/2010)
12/10/2010		Minute Entry for proceedings held before Judge Denise L. Cote: Jury Trial as to Sergey Aleynikov held on 12/10/2010. Trial continued. Jury deliberations continued and concluded. The jury finds the defendant guilty as charged (counts 1 and 2) of 10 Cr. 96. Verdict unanimous. PSR Ordered. Sentence date set for March 18, 2011 at 3 p.m. Defense sentencing submissions shall be due March 4. Government's response due March 11. The defendant is continued on bail as previously imposed with the added conditions that defendant is placed on home confinement with electronic monitoring. The FRPs shall "re-execute" the bond by 5 p.m. on Tuesday, December 14. (bw) (Entered: 12/13/2010)
12/10/2010		JURY VERDICT as to Sergey Aleynikov (1) Guilty on Count 1,2. (bw) (Entered: 12/13/2010)
12/10/2010		Order of Referral to Probation for Presentence Investigation and Report as to Sergey Aleyniko. (bw) (Entered: 12/13/2010)
12/10/2010		ORAL ORDER as to Sergey Aleynikov. Brief (Defense sentencing submission) due by 3/4/2011; Responses (by Govt) to Brief due by 3/11/2011. Sentencing set for 3/18/2011 at 03:00 PM before Judge Denise L. Cote. (bw) (Entered: 12/13/2010)
12/13/2010	<u>105</u>	NOTICE of of Testimony that can be Unsealed as to Sergey Aleynikov (Rohr, Rebecca) (Entered: 12/13/2010)
12/13/2010	<u>106</u>	ORDER MODIFYING CONDITIONS OF BAIL as to Sergey Aleynikov, that any financially responsible person must resign the bond securing Mr. Aleynikov's appearance by Tuesday December 14, 2010 at 5:00 p.m.; FURTHER that the defendant shall be subject to home detention with electronic monitoring; FURTHER that all remaining bail conditions are reimposed. (Signed by Judge Denise L. Cote on 12/13/2010) (lnl) (Entered: 12/13/2010)
12/13/2010	<u>107</u>	ORDER as to Sergey Aleynikov, that the exhibits listed below be filed in unredacted form under seal and be filed in the public record in the redacted form proposed by the Government. This applies to 14 Government Exhibits: 108–A, 108–B, 108–D, 108–E, 108–F, 108–G, 108–H, 108–I, 108–J, 108–K, 200–A,

		200-B, 200-C, and 200-D (collectively hereinafter "Redacted Trial Exhibits"). ORDERED that the following 32 Government Exhibits and 3 Defense Exhibits be filed under seal: Government Exhibits 105-A, 105-B, 105-C, 105-E, 105-F, 105-G, 105-H, 106-A, 106-B, 106-D, 111-A, 111-B, 112-A, 112-B, 234, 235, 236, 320, 321, 322, 322-A, 323, 330-12, 330-14, 330-17, 335, 510, 514, 533, 534-A, 534-B, and 534-C, and Defense Exhibits 407, 408, and 410 (collectively hereinafter "Sealed Trial Exhibits"). FURTHER that neither the Government nor the defendant will provide copies of the Redacted Trial Exhibits to anyone not already covered by the protective order other than in the redacted form approved by this Order. Neither the Government nor the defendant will provide copies of the Sealed Trial Exhibits to anyone not already covered by the protective order. FURTHER that three passages from the trial transcript shall be sealed. They are at page 498, line 7; page 499, lines 6-8; and page 502, lines 8-10 and the first word on line 11. (Signed by Judge Denise L. Cote on 12/13/2010) (Inl) (Entered: 12/13/2010)
12/14/2010	<u>108</u>	MEMORANDUM OPINION AND ORDER #99735 as to Sergey Aleynikov. Having reviewed the entirety of the sealed transcript, the Court approves the unsealing of the transcript passages identified in the Government's December 13 application, and approves the continued sealing of the remaining portions of the transcript with the following exception. The parties shall advise the Court by Wednesday, 12/15 at noon whether they have any objection to unsealing the following additional portions of the Transcript: page 1408, lines 3-17; page 1412, line 14 to page 1413, line 4; and page 1413, line 23 to page 1414, line 15. (Signed by Judge Denise L. Cote on 12/14/2010)(jar) Modified on 12/15/2010 (ajc). (Entered: 12/14/2010)
12/14/2010	<u>109</u>	OPINION & ORDER #99736 as to Sergey Aleynikov. On October 25, 2010, the defendant filed a motion in limine to suppress statements he made to agents of the Federal Bureau of Investigation ("FBI") following his arrest on July 3, 2009. The defendant contends that his post-arrest statements were taken in violation of New York Rule of Professional Conduct 4.2(a) ("Rule 4.2(a)"). Defendant's motion to suppress his post-arrest statements was denied at a final pretrial conference on November 19, 2010, with an Opinion to follow. This is that Opinion....[See Opinion]... Conclusion: For the foregoing reasons, the defendant's October 25, 2010 motion to suppress his post-arrest statements has been denied. SO ORDERED: (Signed by Judge Denise L. Cote on 12/14/2010)(bw) Modified on 12/15/2010 (ajc). (Entered: 12/14/2010)
12/14/2010	<u>110</u>	ORDER REMOVING BORIS I. BARTS AS A FINANCIALLY RESPONSIBLE PERSON FROM DEFENDANT Sergey Aleynikov's APPEARANCE BOND. Three financially responsible persons having co-signed Defendant Sergey Aleynikov's \$750,000 appearance bond on December 13, 2010, after the Government approved them as co-signers, it is hereby ORDERED that Boris I. Barts need not re-sign the bond and that he shall be removed as a financially responsible person from the bond. (Signed by Judge Denise L. Cote on 12/14/2010)(bw) (Entered: 12/14/2010)
12/15/2010	<u>111</u>	NOTICE of Government's Response to Court's December 14, 2010 Order as to Sergey Aleynikov re: <u>108</u> Memorandum & Opinion,, (Rohr, Rebecca) (Entered: 12/15/2010)
12/15/2010	<u>112</u>	NOTICE of of Defendant Sergey Aleynikov's Response to Court's December 14, 2010 Order as to Sergey Aleynikov re: <u>108</u> Memorandum & Opinion,, (Tortorella, John) (Entered: 12/15/2010)
12/15/2010	<u>113</u>	ORDER as to Sergey Aleynikov: An Order from 12/14/2010 identified Transcript: page 1408, lines 3-17; page 1412, line 14 to page 1413, line 4; and page 1413, line 23 to page 1414, line 15 as candidates for unsealing. It is hereby ORDERED that the portions of the transcript identified by the Government in its 12/13/2010 list, which is attached to the Order, be unsealed. ORDERED that the three additional passages identified also be unsealed. IT IS FURTHER ORDERED that the Court Reporters shall provide the newly unsealed portions of the transcript to the United States Attorney's Office for review before those portions are released to the public. (Signed by Judge Denise L. Cote on 12/15/2010)(ab) (Entered: 12/15/2010)

12/15/2010		Transmission to Sealed Records Clerk: as to Sergey Aleynikov. Transmitted re: <u>113</u> Order, to the Sealed Records Clerk for the sealing or unsealing of document or case. (ab) (Entered: 12/15/2010)
12/20/2010	<u>114</u>	SEALED DOCUMENT placed in vault. (cb) (Entered: 12/20/2010)
12/20/2010	<u>115</u>	MEMO ENDORSEMENT ON DEFENDANT SERGEY ALEYNIKOV'S MOTION TO FILE UNDER SEAL PORTIONS OF MOTION TO STRIKE. ENDORSEMENT: Granted. (Signed by Judge Denise L. Cote on 12/20/2010) (Inl) (Entered: 12/20/2010)
12/21/2010	<u>116</u>	MOTION to Strike Document No. [Gov't Ex. 108A-B and D-J]. Document filed by Sergey Aleynikov. (Tortorella, John) (Entered: 12/21/2010)
12/21/2010	<u>117</u>	MEMORANDUM in Support by Sergey Aleynikov re <u>116</u> MOTION to Strike Document No. [Gov't Ex. 108A-B and D-J].. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Tortorella, John) (Entered: 12/21/2010)
12/23/2010	<u>118</u>	MOTION for Acquittal <i>or a New Trial</i> . Document filed by Sergey Aleynikov. (Tortorella, John) (Entered: 12/23/2010)
12/23/2010	<u>119</u>	MEMORANDUM in Support by Sergey Aleynikov re <u>118</u> MOTION for Acquittal <i>or a New Trial</i> .. (Tortorella, John) (Entered: 12/23/2010)
12/29/2010	<u>120</u>	ORDER MODIFYING CONDITIONS OF BAIL as to Sergey Aleynikov. ORDERED that Sergey Aleynikov is permitted to travel every Wednesday to pick up his children from Little Falls Elementary School, Main Street, Little Falls, New Jersey 07424 at 3:20 p.m., and to return the children to his wife's parent's residence at 11 Morningside Circle, Little Falls, New Jersey 07424 at 7:15 p.m. and IT IS FURTHER ORDERED that Sergey Aleynikov is permitted to travel every other Saturday, commencing on January 8, 2011, to pick up his children from his wife's parent's residence at 11 Morningside Circle, Little Falls, New Jersey 07424 at 10:30 a.m. and to return them to Morningside Circle the next day (Sunday) at 7:15 p.m. and IT IS FURTHER ORDERED that all other conditions of Defendant Sergey Aleynikov's bail remain unmodified and unchanged. (Signed by Judge Denise L. Cote on 12/29/10)(jw) (Entered: 12/29/2010)
12/29/2010	<u>121</u>	ORDER as to Sergey Aleynikov ( Defendant's Replies due by 1/28/2011., Government Responses due by 1/21/2011)ORDERED that the Government shall serve any opposition to defendant's motion by January 21, 2011. Defendant's reply, if any, shall be served by January 28, 2011. (Signed by Judge Denise L. Cote on 12/29/10)(jw) (Entered: 12/29/2010)
01/05/2011	<u>122</u>	DEFENDANT'S APPEARANCE BOND as to Sergey Aleynikov. ***Bail modified by Judge Cote on 12/13/2010: All FRP's are to resign the bond securing the defendant's appearance by Tuesday, 12/14/2010 at 5:00 PM; Defendant is subject to home detention with electronic monitoring; All reaming bail conditions are imposed. (ab) (Entered: 01/05/2011)
01/07/2011	<u>123</u>	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on December 9, 10, 2010 before Judge Denise L. Cote. (ja) (Entered: 01/10/2011)
01/07/2011	<u>124</u>	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on November 29, 30, 2010 and December 1, 2, 2010 before Judge Denise L. Cote. (ja) (Entered: 01/10/2011)
01/07/2011	<u>125</u>	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on December 6, 7, 8, 2010 before Judge Denise L. Cote. (ja) (Entered: 01/10/2011)
01/18/2011	<u>126</u>	SEALED DOCUMENT placed in vault. (nm) (Entered: 01/18/2011)
01/21/2011	<u>127</u>	MEMORANDUM in Opposition by USA as to Sergey Aleynikov re <u>118</u> MOTION for Acquittal <i>or a New Trial</i> .. (Facciponti, Joseph) (Entered: 01/21/2011)
01/28/2011	<u>128</u>	REPLY MEMORANDUM OF LAW in Support as to Sergey Aleynikov re: <u>118</u> MOTION for Acquittal <i>or a New Trial</i> .. (Marino, Kevin) (Entered: 01/28/2011)

02/24/2011		Minute Entry for proceedings held before Judge Denise L. Cote: Status Conference as to Sergey Aleynikov held on 2/24/2011. Defendant present with attorneys Kevin Marino and John Tortorella. AUSA Joseph Facciponti present. FBI Special Agent Michael McSwain present. Court reporter Martha Dreva is present. For the reasons set forth on the record, the Court remands the defendant to the custody of the U.S. Marshal. (ajc) (Entered: 02/25/2011)
02/25/2011	<u>129</u>	ORDER as to Sergey Aleynikov. For the reasons set forth on the record this day, it is hereby ORDERED that the defendant's bail is revoked and he is remanded to the custody of the United States Marshal's Service. (Signed by Judge Denise L. Cote on 2/24/2011)(bw) (Entered: 02/25/2011)
02/25/2011	<u>130</u>	NOTICE OF APPEAL (Interlocutory) by Sergey Aleynikov from <u>129</u> Order. Filing fee \$ 455.00, receipt number E 930647. (nd) (Entered: 02/25/2011)
02/25/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Sergey Aleynikov to US Court of Appeals re: <u>130</u> Notice of Appeal – Interlocutory. (nd) (Entered: 02/25/2011)
02/25/2011		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files as to Sergey Aleynikov re: <u>26</u> Endorsed Letter,,, <u>80</u> Proposed Voir Dire Questions, <u>107</u> Order,,,,, <u>21</u> Probation Form, <u>47</u> Endorsed Letter,, <u>59</u> Order, Set Deadlines/Hearings,,,,, <u>68</u> Declaration in Support of Motion, <u>86</u> Reply Memorandum of Law in Support of Motion, <u>74</u> Response in Opposition to Motion, <u>67</u> Memorandum of Law in Support, <u>89</u> Memorandum in Support of Motion, <u>64</u> Order,, <u>88</u> MOTION to Preclude <i>Expert Testimony of Benjamin Van Vliet and Spencer Lynch</i> ., <u>121</u> Order, Set Deadlines/Hearings,, <u>77</u> Proposed Examination of Jurors, <u>69</u> MOTION in Limine., <u>52</u> Endorsed Letter, Set Deadlines/Hearings,, <u>37</u> Declaration in Support of Motion, <u>62</u> Order,,,,, <u>120</u> Order,,, <u>29</u> Order, <u>90</u> Declaration in Support of Motion, <u>79</u> Request to Charge, <u>22</u> Order,, <u>20</u> Endorsed Letter,,,,, <u>35</u> Memorandum in Support of Motion, <u>23</u> Order, <u>36</u> Declaration in Support of Motion, <u>46</u> Memorandum in Support of Motion, <u>50</u> Response to Motion, <u>119</u> Memorandum in Support of Motion, <u>83</u> Declaration in Support of Motion, <u>116</u> MOTION to Strike Document No. [Gov't Ex. 108A–B and D–J], <u>53</u> Reply Memorandum of Law in Opposition to Motion, <u>81</u> Notice (Other), <u>61</u> Response to Motion, <u>34</u> MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company., <u>93</u> Request to Charge, <u>58</u> Memorandum & Opinion, <u>110</u> Order,, <u>25</u> Order, Set Hearings,, <u>65</u> MOTION in Limine and <i>Pretrial Motions</i> ., <u>111</u> Notice (Other), <u>76</u> Reply Memorandum of Law in Support of Motion, <u>30</u> Order,, <u>73</u> Declaration in Opposition to Motion, <u>108</u> Memorandum & Opinion,, <u>113</u> Order,, <u>72</u> Memorandum in Opposition to Motion, <u>112</u> Notice (Other), <u>128</u> Reply Memorandum of Law in Support of Motion, <u>99</u> MOTION in Limine., <u>78</u> Request to Charge, <u>18</u> Indictment, <u>28</u> Notice of Attorney Appearance – Defendant, <u>101</u> Order, <u>117</u> Memorandum in Support of Motion, <u>129</u> Order, Set Deadlines/Hearings,, <u>105</u> Notice (Other), <u>7</u> Notice of Attorney Appearance – Defendant, <u>63</u> Order, Set Hearings, <u>109</u> Memorandum & Opinion,,, <u>82</u> MOTION in Limine <i>to admit statements of the Government under F.R.E. 801(d)(2)(B) and (D)</i> ., <u>127</u> Memorandum in Opposition to Motion, <u>51</u> Reply Memorandum of Law in Support of Motion, <u>75</u> Reply Memorandum of Law in Support of Motion, <u>27</u> Endorsed Letter,, <u>40</u> Response, <u>115</u> Memo Endorsement, <u>118</u> MOTION for Acquittal <i>or a New Trial</i> ., <u>92</u> Request to Charge, <u>94</u> MOTION in Limine <i>re certain statements</i> ., <u>84</u> Memorandum in Support of Motion, <u>100</u> Request to Charge, <u>60</u> MOTION to Seal Document <i>with Respect to Motions in Limine</i> ., <u>38</u> Declaration in Support of Motion, <u>33</u> Endorsed Letter, <u>91</u> Memorandum in Opposition to Motion, <u>104</u> Endorsed Letter, <u>39</u> Response to Order to Show Cause, <u>130</u> Notice of Appeal – Interlocutory, <u>85</u> Response in Opposition to Motion, <u>45</u> MOTION to Dismiss <i>the Indictment</i> ., <u>66</u> Declaration in Support, <u>106</u> Order, <u>41</u> Protective Order,,,,,,,,,,,,, were transmitted to the U.S. Court of Appeals. (nd) (Entered: 02/25/2011)
02/25/2011	<u>131</u>	ORDER as to Sergey Aleynikov. With consent of counsel for the Government and the defendant, it is hereby ORDERED that the time of the March 18, 2011 sentence date is moved from 3 p.m. to 2 p.m. (Signed by Judge Denise L. Cote on 2/25/2011)(bw) (Entered: 02/25/2011)



03/07/2011	<u>133</u>	ORDER as to Sergey Aleynikov. IT IS HEREBY ORDERED that the Memorandum of Sentencing Considerations submitted by the defendant, filed on March 4, 2011, document no. 132, be removed from the ECF system; and IT IS FURTHER ORDERED that the defendant shall electronically file a redacted Memorandum of Sentencing Considerations, and file the unredacted page of his Memorandum of Sentencing Considerations under seal. SO ORDERED. (Signed by Judge Denise L. Cote on 3/7/11)(jw) (Entered: 03/07/2011)
03/07/2011	<u>134</u>	SENTENCING MEMORANDUM by Sergey Aleynikov. (Attachments: # <u>1</u> Letters In Support)(Marino, Kevin) (Entered: 03/07/2011)
03/09/2011	<u>135</u>	TRANSCRIPT of Proceedings as to Sergey Aleynikov held on February 24, 2011 before Judge Denise L. Cote. (djc) (Entered: 03/09/2011)
03/11/2011	<u>136</u>	SENTENCING MEMORANDUM by USA as to Sergey Aleynikov. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rohr, Rebecca) (Entered: 03/11/2011)
03/14/2011	<u>137</u>	ORDER as to Sergey Aleynikov: The Court having filed an Opinion and Order of 3/14/2011 under seal and provided copies to the parties via email, it is hereby ORDERED that the parties shall submit any proposed redactions to the 3/14/2011 Opinion by 3/16/2011 at 12:00 PM. (Signed by Judge Denise L. Cote on 3/14/2011)(ab) (Entered: 03/14/2011)
03/15/2011	<u>138</u>	RESPONSE by USA as to Sergey Aleynikov re: <u>137</u> Order,. (Rohr, Rebecca) (Entered: 03/15/2011)
03/15/2011	<u>139</u>	RESPONSE by Sergey Aleynikov re: <u>137</u> Order,. (Marino, Kevin) (Entered: 03/15/2011)
03/16/2011	<u>140</u>	ORDER as to Sergey Aleynikov. The parties having informed the Court that they have no proposed redactions to the March 14 Opinion filed under seal, it is hereby ORDERED that the March 14 Opinion shall be unsealed and filed in the public record. (Signed by Judge Denise L. Cote on 3/16/2011)(tro) (Entered: 03/16/2011)
03/16/2011		Transmission to Sealed Records Clerk: as to Sergey Aleynikov. Transmitted re: <u>140</u> Order, to the Sealed Records Clerk for the sealing or unsealing of document or case. (tro) (Entered: 03/16/2011)
03/16/2011	<u>141</u>	SEALED DOCUMENT placed in vault. (mps) (Entered: 03/16/2011)
03/16/2011	<u>142</u>	OPINION AND ORDER as to Sergey Aleynikov re: <u>118</u> MOTION for Acquittal or a New Trial filed by Sergey Aleynikov. Accordingly, this ground for the motion is denied as well. Aleynikov's December 23, 2010 motion to set aside the verdict and to dismiss the Indictment, or in the alternative, for a new trial, is denied. SO ORDERED (Signed by Judge Denise L. Cote on 3/14/11)(jw) (Additional attachment(s) added on 3/16/2011: # <u>1</u> Opinion & Order) (ad). (ad). (Main Document 142 replaced on 3/16/2011) (ad). (Entered: 03/16/2011)
03/18/2011	<u>143</u>	MOTION for Release from Custody <i>Pending Appeal, Self-Surrender and a Stay of Sentence of Imprisonment</i> . Document filed by Sergey Aleynikov. (Marino, Kevin) (Entered: 03/18/2011)
03/18/2011	<u>144</u>	DECLARATION of Kevin H. Marino in Support as to Sergey Aleynikov re: <u>143</u> MOTION for Release from Custody <i>Pending Appeal, Self-Surrender and a Stay of Sentence of Imprisonment</i> .. (Attachments: # <u>1</u> Exhibits 1-6, # <u>2</u> Exhibits 7-13)(Marino, Kevin) (Entered: 03/18/2011)
03/18/2011	<u>145</u>	MEMORANDUM in Support by Sergey Aleynikov re <u>143</u> MOTION for Release from Custody <i>Pending Appeal, Self-Surrender and a Stay of Sentence of Imprisonment</i> .. (Marino, Kevin) (Entered: 03/18/2011)
03/18/2011	<u>146</u>	TRANSCRIPT of Proceedings (conference) as to Sergey Aleynikov held on 2/24/2011 before Judge Denise L. Cote. (ja) (Entered: 03/21/2011)
03/18/2011		Minute Entry for proceedings held before Judge Denise L. Cote: Sentencing held on 3/18/2011 for Sergey Aleynikov (1) Count 1,2. Defendant present w/attys. Kevin Marino and John Tortorella. Assistant U.S Attorney Joseph Facciponti and Rebecca Rohr present. FBI Special Agent Michael McSwain present. Court reporters Eve Giniger and Tom Murray present. Sentencing held. The defendant is

		sentenced as set forth in the Judgment In A Criminal Case to 97 months on counts and 1 and 2 to run concurrent followed by 3 years supervised release. Defendant advised of his right to appeal. Detention continued. (dnd) (Entered: 03/22/2011)
03/23/2011	<u>147</u>	ORDER: As to Sergey Aleynikov re: <u>143</u> MOTION for Release from Custody Pending Appeal, Self-Surrender and a Stay of Sentence of Imprisonment. On March 18, 2011, the defendant filed a motion for an order of bail pending his appeal. It is hereby ORDERED that the Government shall serve any opposition to the defendant's motion by April 1, 2011. Defendant's reply, if any, shall be served by April 8, 2011. (Signed by Judge Denise L. Cote on 3/22/2011)(dnd) (Entered: 03/23/2011)
03/23/2011	<u>148</u>	JUDGMENT: As to Sergey Aleynikov (1), Counts 1, 2, Imprisonment: 97 Months on each count to run concurrent. Supervised Release: 3 Years on each count to run concurrent. Count 3 is Dismissed. The court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to a facility as close to New Jersey as possible. The defendant is remanded to the custody of the United States Marshal. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. The defendant is to adhere to the Additional Supervised Release Terms as indicated on page 4 of this document. The defendant is to pay an assessment fee of \$200.00 as a lump sum payment due immediately. The defendant shall pay a fine in the amount of \$12,500 to be paid according to the schedule set forth on page 6 of this document. (Signed by Judge Denise L. Cote on 3/23/2011)(dnd) (Entered: 03/23/2011)
03/23/2011	<u>149</u>	NOTICE OF APPEAL by Sergey Aleynikov from <u>148</u> Judgment. Filing fee \$ 455.00, receipt number E 933016. (nd) (Entered: 03/23/2011)
03/23/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Sergey Aleynikov to US Court of Appeals re: <u>149</u> Notice of Appeal – Final Judgment. (nd) (Entered: 03/23/2011)
03/23/2011	<u>150</u>	TRANSCRIPT REQUEST FORM B Filed by Sergey Aleynikov for proceedings held on 3/18/2011 before Judge Cote. (nd) (Entered: 03/23/2011)
03/23/2011		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files as to Sergey Aleynikov re: <u>144</u> Declaration in Support of Motion, <u>142</u> Memorandum & Opinion, <u>136</u> Sentencing Memorandum, <u>148</u> Judgment, <u>145</u> Memorandum in Support of Motion, <u>139</u> Response, <u>134</u> Sentencing Memorandum, <u>137</u> Order, <u>149</u> Notice of Appeal – Final Judgment, <u>138</u> Response, <u>150</u> Transcript Request, <u>147</u> Order, Set Deadlines, <u>143</u> MOTION for Release from Custody Pending Appeal, Self-Surrender and a Stay of Sentence of Imprisonment, <u>133</u> Order, <u>131</u> Order, Set Deadlines/Hearings, <u>140</u> Order, <u>26</u> Endorsed Letter, <u>80</u> Proposed Voir Dire Questions, <u>107</u> Order, <u>21</u> Probation Form, <u>47</u> Endorsed Letter, <u>59</u> Order, Set Deadlines/Hearings, <u>68</u> Declaration in Support of Motion, <u>86</u> Reply Memorandum of Law in Support of Motion, <u>74</u> Response in Opposition to Motion, <u>67</u> Memorandum of Law in Support, <u>89</u> Memorandum in Support of Motion, <u>64</u> Order, <u>88</u> MOTION to Preclude Expert Testimony of Benjamin Van Vliet and Spencer Lynch, <u>121</u> Order, Set Deadlines/Hearings, <u>77</u> Proposed Examination of Jurors, <u>69</u> MOTION in Limine, <u>52</u> Endorsed Letter, Set Deadlines/Hearings, <u>37</u> Declaration in Support of Motion, <u>62</u> Order, <u>120</u> Order, <u>29</u> Order, <u>90</u> Declaration in Support of Motion, <u>79</u> Request to Charge, <u>22</u> Order, <u>20</u> Endorsed Letter, <u>35</u> Memorandum in Support of Motion, <u>23</u> Order, <u>36</u> Declaration in Support of Motion, <u>46</u> Memorandum in Support of Motion, <u>50</u> Response to Motion, <u>119</u> Memorandum in Support of Motion, <u>83</u> Declaration in Support of Motion, <u>116</u> MOTION to Strike Document No. [Gov't Ex. 108A–B and D–J], <u>53</u> Reply Memorandum of Law in Opposition to Motion, <u>81</u> Notice (Other), <u>61</u> Response to Motion, <u>34</u> MOTION for Court Approval Nunc Pro Tunc to Subpoena Documents and Materials from Goldman Sachs & Company, <u>93</u> Request to Charge, <u>58</u> Memorandum & Opinion, <u>110</u> Order, <u>25</u> Order, Set Hearings, <u>65</u> MOTION in Limine and Pretrial Motions, <u>111</u> Notice (Other), <u>76</u> Reply Memorandum of Law in Support of Motion, <u>30</u> Order, <u>73</u> Declaration in Opposition to Motion, <u>108</u> Memorandum & Opinion, <u>113</u> Order, <u>72</u> Memorandum in Opposition to Motion, <u>112</u> Notice (Other), <u>128</u> Reply Memorandum of Law in Support of Motion, <u>99</u> MOTION in Limine, <u>78</u> Request

	<p>to Charge, <u>18</u> Indictment, <u>28</u> Notice of Attorney Appearance – Defendant, <u>101</u> Order, <u>117</u> Memorandum in Support of Motion, <u>129</u> Order, Set Deadlines/Hearings,, <u>105</u> Notice (Other), <u>7</u> Notice of Attorney Appearance – Defendant, <u>63</u> Order, Set Hearings, <u>109</u> Memorandum &amp; Opinion,,, <u>82</u> MOTION in Limine to admit statements of the Government under F.R.E. 801(d)(2)(B) and (D)., <u>127</u> Memorandum in Opposition to Motion, <u>51</u> Reply Memorandum of Law in Support of Motion, <u>75</u> Reply Memorandum of Law in Support of Motion, <u>27</u> Endorsed Letter,, <u>40</u> Response, <u>115</u> Memo Endorsement, <u>118</u> MOTION for Acquittal or a New Trial., <u>92</u> Request to Charge, <u>94</u> MOTION in Limine re certain statements., <u>84</u> Memorandum in Support of Motion, <u>100</u> Request to Charge, <u>60</u> MOTION to Seal Document with Respect to Motions in Limine., <u>38</u> Declaration in Support of Motion, <u>33</u> Endorsed Letter, <u>91</u> Memorandum in Opposition to Motion, <u>104</u> Endorsed Letter, <u>39</u> Response to Order to Show Cause, <u>130</u> Notice of Appeal – Interlocutory, <u>85</u> Response in Opposition to Motion, <u>45</u> MOTION to Dismiss the Indictment., <u>66</u> Declaration in Support, <u>106</u> Order, <u>41</u> Protective Order were transmitted to the U.S. Court of Appeals. (nd) (Entered: 03/23/2011)</p>
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